

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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April 22, 2011

MEMO TO COUNSEL RE: Riker McKenzie v. International Longshoremen's
Civil No. JFM-10-3389

Dear Counsel:

I have reviewed the motion to dismiss filed by defendant International Longshoremen's Association, AFL-CIO.

It may well be that the issues raised by defendant in his motion to dismiss prove meritorious. However, I am simply unwilling to resolve those issues at this stage of the litigation until they have been subjected to the transparency of the discovery process. For plaintiff to be denied the presidency of ILA Local 333 for which he allegedly received a large majority of the votes cast on the basis of a minor narcotics conviction that is 35 years old is extremely troubling from the point of view of public policy. I note in that regard that it is one thing to hold, as I previously did, that the election process itself should not be interfered with by the granting of a motion for temporary restraining order that was filed at the very last minute from holding, as I now do, that the facts regarding plaintiff's disqualification should be put on the public record.

A conference call will be held on May 6, 2011 at 9:15 a.m. to discuss the appropriate schedule in this case. I ask counsel for plaintiff to initiate the call.

Enclosed is a tentative scheduling order with approximate dates for your information. Please consult with one another before the call and be prepared to discuss whether you would like to participate in a settlement conference either before or after the completion of discovery, any changes to the dates in the form scheduling order, and whether there is unanimous consent to proceed before a U.S. Magistrate Judge for all proceedings

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge